

February 4, 2021

Montgomery County Council testimony regarding School Resource Officers from the MCCPTA Diversity, Equity, and Inclusion Committee

Please note that this statement currently being discussed by the MCCPTA Delegates and their respective school communities.

The following is our written testimony to the Montgomery County Board of Education and MCPS on January 12, 2021 regarding the MCPS SRO program.

As the Board of Education and MCPS consider the future of the School Resource Officer program, we urge this Board to discontinue placing police officers on every high school campus, and instead invest more heavily in other school safety measures such as early threat assessment, restorative practices, and mental health supports. We further recommend that this Board and MCPS adopt stronger measures to reduce school-initiated calls for law enforcement in minor incidents that are better handled by school staff.

We note that in 2010, the MCCPTA at large passed a resolution in support of SROs. Our testimony today does not contradict this resolution, which only advocated for the assignment of police officers to each high school and was silent on whether SROs should be physically placed inside the high school facility.¹ The MCCPTA Resolution also relied on the expectation that such assignments would provide “vital safety and security functions” and “improved coordination and support” between the Montgomery County Police Department and MCPS. This Committee does not believe that these goals require SROs to be physically placed on campus. Recent research and guidance indicates that having police officers on campus does not lessen gun violence, and that there are more evidence-driven means of preventing gun violence.

Further, MCCPTA 2020-2021 advocacy priorities include ensuring “access to equitable opportunities and an excellent education for all MCPS students, especially students historically disadvantaged based on race, ancestry or national origin, color . . . or physical or mental disability (differing abilities).” The Maryland Commission on the School-to-Prison-Pipeline and Restorative Practices has found that the SROs have a damaging effect on school culture and climate, with the data showing a disproportionately negative impact on our Black and Brown students and students with disabilities. We have heard from students who attest to this experience in MCPS. We urge the Board to collect and use student feedback in evaluating the SRO pilot.

Additionally, insofar as we are requesting increased funds for restorative practices and mental health services, our recommendations are consistent with the 2020-2021 MCCPTA priority to advocate for “resources to cohorts of students who are experiencing . . . mental health distress

¹ Resolution on School Resource Officers Adopted November 23, 2010, at <http://nebula.wsimg.com/ecdf250cd5091a67c24666ee731e3e66?AccessKeyId=AB71C8A62DC88BF7171E&disposition=0&alloworigin=1>

so that they may thrive” and with the 2019 MCCPTA Resolution on School Safety advocating for evidence-driven gun violence prevention programs. We are joined in this funding request by the MCCPTA Health and Wellness Committee and the MCCPTA Special Education Committee.

1. Neither MCPD or MCPS has presented evidence that campus police presence prevents gun violence, and any theoretical benefits must be weighed against the known risk of having more guns on campus.

It is important to remember that the current School Resource Officer program was a limited pilot program beginning in 2018, and does not represent the status quo in our school system. While MCPS began stationing police in some schools in 2002, their use has varied over the years. As recently as 2014, Montgomery County only had six police officers in MCPS schools. The 2018 Maryland Safe to Learn Act was enacted in response to school shootings and required schools to provide “adequate law enforcement.” To comply with this statute, MCPS agreed to assign a police officer to each of the County’s 26 high schools. Other than high schools, the rest of our schools have complied with the “adequate law enforcement” mandate without placing police officers within the school facility.

After hearing from members of our community and reviewing the data, we have seen no evidence that on-campus SROs decrease school violence. Indeed, gun violence prevention groups such as Everytown and Moms Demand Action have found that “[t]here is no research indicating that SROs prevent mass school shootings.”² and has not advocated for their use in schools. The Giffords Law Center to Prevent Gun Violence likewise found “no evidence that the presence of resource officers in schools lessened the severity of school shooting incidents,” and cited instances in which bringing guns on campus—in many cases for the purpose of preventing violence— actually increased risk, such as when a New York school resource officer and retired police officer left an unloaded, holstered weapon on the counter of a school bathroom.³

We urge MCPS and MCPD to articulate the specific goals of the SRO program, then collect, assess, and publish quantitative and qualitative data to determine whether the program is meeting those goals. In other words, what data is available showing the benefit of SROs to school safety or student achievement? What effect do SROs have on preventing or mitigating active shooter situations? If SROs do have positive impacts, can we achieve the same effects without having an SRO physically on campus?

2. The campus location of SROs may encourage schools to default to law enforcement.

² Keeping Our Schools Safe: A Plan for Preventing Mass Shootings and Ending All Gun Violence in our Schools. <https://everytownresearch.org/report/a-plan-for-preventing-mass-shootings-and-ending-all-gun-violence-in-american-schools/> (May 19, 2020).

³ Every Incident of Mishandled Guns in Schools, <https://giffords.org/lawcenter/report/every-incident-of-mishandled-guns-in-schools/> (March 20, 2020).

We are concerned that the presence of SROs on campus encourages school staff to involve SROs when other alternatives would be more developmentally appropriate. The consequences of over-involvement by the police are serious and may be irreparable. Once police are involved and engaged with our children, MCPS no longer has jurisdiction or authority in the matter. This is critically important for our Black, Brown and undocumented students and students with disabilities. If there are issues of police misconduct, parents have limited recourse to pursue relief given the protections afforded law enforcement. In addition, a 2016 Montgomery County report found that once in the juvenile justice system youth of color are nearly three times as likely as White youth to be placed in secure detention pre-disposition or pending placement.⁴ In FY15, youth of color were also 21% less likely than White youth to be diverted to another program to avoid a formal court proceeding.

Research cited by the Maryland Commission on the School-to-Prison-Pipeline and Restorative Practices also found: “The use of SROs is linked to increased rates of exclusionary discipline . . . and the criminalization of relatively trivial student behavior. The most common arrests in schools are simple assault (which might be a minor fist fight or far less serious acts) and the vague category of “disorderly conduct,” which could be a temper tantrum, cursing, or talking back to a teacher. In other words, “children develop arrest records for acting like children.” The Maryland Commission reported that “[t]he increased police presence in schools has over-policed and criminalized many children, especially youth of color and students with disabilities, and contributed to the school-to-prison pipeline. Security measures such as SRO school staffing are expensive to implement and lack any robust evidence of effectiveness.” Moreover, “harsh school punishment and invasive security often result in a negative school social climate, which in turn is connected to relatively high rates of school misbehavior.”

<http://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf> (Maryland Commission on the School-to-Prison Pipeline and Restorative Practices

(“Commission Report”),

<http://marylandpublicschools.org/stateboard/Documents/AAEEBB/CommissionSchoolPrisonPipeline.pdf>, at 26, 33).

“SROs are not trained as educators, but as sworn law enforcement officers with the authority to arrest people. This mindset can have devastating life consequences for students arrested for school discipline matters that do not constitute serious crimes.” (Commission Report at 26.) For a student, and especially our students with disabilities, the very involvement of a uniformed police officer can be unnecessarily intimidating or traumatic. While SROs are trained in de-escalation and restorative justice practices, the involvement of a uniformed police officer in and of itself can escalate an incident and result in unnecessary trauma for a student as well as a damaging arrest record. Police have been called to respond to students with disabilities who engage in non-traditional but non-violent behavior with the result that the student is handcuffed

⁴ [School to Prison Pipeline with CAO Response 20166.pdf \(montgomerycountymd.gov\).](https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf)
<https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf>

and charged with disorderly conduct. The student is not only traumatized from the restraint and handcuffing, but is ultimately criminalized for non-violent, disability-related behavior.⁵

School cultures transform when school personnel are trained and employ restorative and trauma-informed practices that best serve the needs of students and foster feelings of safety. The report of the [Maryland Commission on the School-to-Prison Pipeline and Restorative Approaches](#) informed the Maryland [House Bill 0725/Senate Bill 0766 on Public Schools, Student Discipline, and Restorative Approaches](#), that was enacted and effective as of July 1, 2019. This bill requires a school principal to exhaust various procedures before suspending or expelling a student; requires each county board of education to develop a multi-year plan for the adoption, implementation, and continued monitoring of restorative approaches to student discipline; and provides for the contents of a certain plan. This bill supports the aim to shift away from retributive approaches and towards restorative responses to school discipline.

In Montgomery County, the numbers of school arrests have declined in the last two years, but we have seen no data indicating that the SRO program itself has contributed to this decline, rather than having been neutral bystanders to the positive results of evolving restorative practices. The data showing declining arrests also begs the question of why we need police officers on campus at all, if educators have been able to resolve incidents without arrests. We urge MCPS and MCPD to collect and publish more data on the effectiveness of the SRO program. In addition, is there additional data related to student arrests, including the circumstances leading to arrest, who initiated the arrest, steps taken prior to arrest to avoid arrest, fact patterns for each alleged offense, instances where charges were filed, and recidivism? What are the guidelines, if any, explaining when it is appropriate to arrest a student rather than attempt alternative interventions?

3. The SRO program disproportionately and negatively impacts the educational experience of our students, especially Black and Brown students and students with disabilities.

Most relevant to our Committee, the SRO program has a disproportionately negative impact on our Black and Latino students, and students with disabilities. The MCCPTA 2020-2021 advocacy priorities include ensuring “access to equitable opportunities and an excellent education for all MCPS students, especially students historically disadvantaged based on race, ancestry or national origin, color . . . or physical or mental disability (differing abilities).”

As explained above, increased police presence in our schools can contribute to the school-to-prison pipeline, especially for our boys, Black and Latino students, and students receiving special education services. Practices that promote the School to Prison Pipeline block access to equitable opportunities and an excellent education for all MCPS students. According to the 2016 report on the “School to Prison Pipeline in Montgomery County”,

⁵ A boy from Baltimore County was handcuffed and restrained last year for over 30 mins and suffered a broken wrist. See: <https://www.wbaltv.com/article/jarome-liason-autism-handcuffed-family-questions-police-use-of-force-baltimore-county/34362102>

- “Available local data on out-of-school removals and juvenile justice contact demonstrate that the School-to Prison Pipeline disproportionately impacts boys, Black students, and students receiving special education services, and to a lesser extent, Latino students.”
- “Black students comprise one in five MCPS students and accounted for half of out-of-school removals and more than half of DJS intakes, new commitments, and detentions.”
- In MCPS in the 2018-19 school year, special education students with IEPs comprise 12.2% of the student population but make up 25% of arrests and that approximately 6 students with Section 504 plans were also arrested.⁶

(“School to Prison Pipeline in Montgomery County” (“Montgomery County Report”), <https://www.montgomerycountymd.gov/OLO/Resources/Files/2016%20Reports/School%20to%20Prison%20Pipeline%20with%20CAO%20Response%2020166.pdf>, at 26.)

The Maryland Commission also cited research dispelling the myth that racial disparities in disciplinary responses are based on racial differences in behavior. According to the Commission report, research “has failed to find racial differences in student behavior. “For example, a study that examined discipline disparities by race and family income found that Black and poor students were disciplined more often and more harshly than their peers.” (Commission Report at 29.) In other words, the research shows that discipline disparities result from inconsistent adult responses to various behaviors, not to different conduct by the students themselves.

We also cannot ignore the lived experience of our Black students with regard to law enforcement outside of the four walls of our schools. While we have heard positive stories about SROs, the reality is that our students’ perceptions of law enforcement are impacted by the disparate treatment of Black people by police officers, and the harsh and at times deadly consequences. For Black students, the mere presence of police officers on campus can have a chilling effect on their campus experience, and for these students, school is not a safe space to learn and grow.

Likewise, the presence of law enforcement on our campuses can have a traumatizing impact on our immigrant students. Some of our immigrant students are among the most vulnerable children in the world. Many are refugees (including unaccompanied minors and youth) who have endured persecution, violence, abuse, family separation, etc.⁷ Under no circumstances should they be isolated, surveilled, or re-traumatized by school disciplinary tactics. The school to prison to deportation pipeline is often overlooked in efforts to keep students safe. For these

⁶ See: Maryland Early Intervention and Special Education Services Census Data & Related Tables October 1, 2018, at <http://marylandpublicschools.org/about/Documents/DCAA/SSP/20182019Student/2019CensusPubSpecEd.pdf>)

⁷ In FY 2019, Montgomery County received 1,015 unaccompanied migrant children released to sponsors in the community. Source: United States Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement. Unaccompanied Alien Children Released to Sponsors by State. July 26, 2019.

reasons, federal, state, and local laws prohibit law enforcement officials (including immigration officials, ICE agents or US Customs and Border Patrol) from entering school property for the purposes of interrogating or detaining a student or their family member on immigration related matters. Further, MCPS is prohibited from collecting or sharing any information related to the immigration status of students or their families.⁸ As schools work to keep ICE off campus, they should also review their disciplinary policies to ensure schools are not, at the same time, sending students to ICE.⁹ Explicit and sufficient firewalls must exist between immigration authorities, law enforcement, and those involved in educating children. This must include a separation of roles and responsibilities as well as protection of the child's personal information, including immigration status and case records.

We ask MCPS to engage to understand the perception of law enforcement more broadly and how an arrest, or risk of arrest, or law enforcement presence affects student perceptions and performance. MCPS also should conduct annual, consistent performance evaluations for local police officers who interact with school administrators and students and make this data available to the public. Finally, MCPS should collect information on the student perception of SROs in schools and how an arrest affects the student body.

4. Beyond SROs, MCPS should address the broader issues of school discipline and school-initiated calls for law enforcement.

In making our recommendations to this Board, we recognize that the 2018 Maryland Safe to Learn Act requires adequate law enforcement, which may include police patrols on school campuses.¹⁰ We further recognize that when serious incidents arise, MCPS has a duty and responsibility to involve law enforcement. Thus, simply removing SROs from high school campuses will not eliminate student interactions with law enforcement. We also know that school administrators will continue to call law enforcement, as 97 percent of SRO interactions with students are initiated by MCPS. We therefore recommend that the MCPD continue training SROs and that MCPS improve the training and monitoring of its own staff's conduct with regard to law enforcement.

During the October's Board testimonies, both MCPS and MCPD described efforts to train its SROs and minimize arrests, and promote less aggressive means of resolving disciplinary issues. The MCPD has argued that assigning specially trained SROs to schools maintains continuity and ensures sensitivity to the student's age and special needs. We support such efforts to train police officers who are sensitive to the nuances of adolescent development and school culture. We further support the demographic diversity of the SROs currently assigned to MCPS schools. We recommend that the MCPD continue the diversity and school-specific training of police officers assigned to school incidents. Such training and coordination currently

⁸ MCPS, [Updated guidance regarding immigration enforcement](#), 2017.

⁹ Immigrant Legal Resource Center: [The School to Prison to Deportation Pipeline](#), 2018

¹⁰ MCPD School Resource Officer Program FAQ Document, at <https://www.montgomerycountymd.gov/pol/Resources/Files/SRO/MCPD-SRO-FAQ.pdf>

occurs in MCPS middle and elementary schools that operate without a police officer on campus, but still maintain relationships with SROs.

We also urge MCPS to listen to the stories we have heard from the community, about school-initiated calls for law enforcement. Some arrests initiated by MCPS are for incidents that typically would be handled without law enforcement, such as student fighting or the inappropriate use of personal electronics. We recommend that MCPS to implement clear, consistent guidelines for school administrators regarding when to engage the SRO, and to establish regular oversight or audits and public transparency to ensure that such guidelines are being followed to be consistent with the Maryland [House Bill 0725/Senate Bill 0766 on Public Schools, Student Discipline, and Restorative Approaches](#). MCPS has discussed establishing discipline metrics for the Equity Accountability Dashboard, and we support this effort to publish school-specific data on all forms of school discipline and to flag schools that require more training, oversight, or support services.¹¹ MCPS should explain when and how they decide to involve law enforcement, and unless they were required to call law enforcement, the school should be required to document whether they engaged in alternatives before doing so.

To that end, MCPS should develop and implement a checklist on discipline responses for school administrators to complete and report. Further, the [FY21 Hate Bias Incidents Procedures](#) should be incorporated into any such checklist. This data not only will ensure compliance with these procedures, but will facilitate future audits and investigations.

5. We support using SRO funds for other programs with a proven track record in reducing gun violence.

Finally, we support the reallocation of funds from the SRO program to other evidence-based programs to reduce gun violence and improve student behavior and performance. We recognize that the funding for the SRO program is not in the MCPS budget, but the Board's position carries great weight with the Montgomery County Council and we urge the Board to make a statement on this issue. The following recommendations are consistent with our 2020-2021 MCCPTA priority to advocate for "resources to cohorts of students who are experiencing . . . mental health distress so that they may thrive," and the 2019 MCCPTA Resolution on School Safety.

Programs that we support include:

- 1) Evidence-based threat assessment programs and anonymous reporting systems throughout the county and maintaining appropriate staffing levels, including sufficient mental health professionals, to identify students who may be in crisis, evaluate risk, and implement

¹¹ Montgomery County Report at 29. In 2015, the proportion of removals in the high schools with the highest numbers exceeded the proportion of students in those high schools. For example, the five high schools with the most removals included 23% of MCPS high school students and accounted for 37% of all removals. Conversely, the five high schools with the fewest removals included 17% of student and represented only 5% of removals.

appropriate interventions systems, as supported by the MCCPTA's 2019 Gun Violence Prevention Resolution;

- 2) Increasing the MCPS Restorative Justice Unit's staff and restorative justice teacher training to actively engage and implement the restorative justice tools in all schools; and
- 3) Increasing the number of culturally competent, trauma-informed mental health professionals, such as counselors, psychologists, social workers, and nurses in our schools; and
- 4) Creating a robust MCPS ombudsman office to investigate and resolve student, staff and parent concerns throughout the school system.

We also cannot understate how important an investment in mental wellness is right now, when we know that the linked crises of COVID, the recession, social injustices and distance learning will come to a head as students return to campus after extended social isolation. We must be accountable to our students, and the stresses that this year has brought upon them, and be ready to address their mental wellness needs.

In sum, we urge MCPS to

- (1) discontinue the pilot program to place police officers on every high school campus,
- (2) implement stronger data collection and publication, monitoring, and accountability with regard to school-initiated discipline, and
- (3) allocate more funds towards evidence-driven crisis assessment, mental health, and restorative practices for our children.

We thank you all for your service to our community and review of this important issue.

The MCCPTA DEI Committee
Yvonne VanLowe, Chair

Other Resources

[School to Prison Pipeline with CAO Response 20166.pdf \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/2016/06/22/school-to-prison-pipeline-with-cao-response-20166.pdf)

[Maryland Commission on the School-to-Prison Pipeline and Restorative Practices \(marylandpublicschools.org\)](https://marylandpublicschools.org/Commission-on-the-School-to-Prison-Pipeline-and-Restorative-Practices/)

2019 MCCPTA Resolution on School Safety.

<https://static1.squarespace.com/static/5c5dcd5efb22a50647d75583/t/5ddab1e79de5330a90b7bc25/1574613479344/November+2019+MCCPTA+Resolution+on+School+Safety.pdf>